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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,716	09/22/2003	Joy Viren Murphy	USPA0030	3864
33512	7590	09/22/2004	EXAMINER	
LAW OFFICE OF JAY R. HAMILTON, PLC 4300 E. 53RD ST. SUITE 103 DAVENPORT, IA 52807			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,716

Applicant(s)

MURPHY, JOY VIREN

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/667,716, Portable Travel Grip, filed on September 22, 2003.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

The drawings are objected to because reference number "15" at the top of Fig. 13 does not have a lead line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary

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to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 9 are objected to because of the following informalities:

"compromising" in line 1 of both claims should be changed to --comprising-- and "An," "At," and "A" in lines 2, 3, and 5, respectively of claim 1 and in lines 2, 6, and 10, respectively of claim 9 should be changed to --an--, --at--, and --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim 1 clearly indicates that a subcombination is being claimed, e.g., "a

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portable support apparatus for use inside a vehicle...". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "a portable support apparatus," the vehicle being only functionally recited. This presents no problem as long as the body of the claim also refers to the vehicle functionally.

The problem arises when the vehicle is positively recited within the body of the claim, such as, "wherein said anchor unit is located outside the vehicle and rest upon the upper outside portion of the door frame and vehicle roof." The examiner cannot be sure if applicant's intent is to claim merely the portable support apparatus or the portable support apparatus in combination with the vehicle.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the portable apparatus alone or the combination of the portable apparatus and the vehicle. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the subcombination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

Claim 5 recites the limitations "the anchor end" bridging lines 1 and 2 and "the overlap" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim 7 recites the limitations "the fasteners" in line 1 and "the anchor unit fasteners" bridging lines 2 and 3. There is insufficient antecedent basis for these limitations in the claim.

Claim 9 recites the limitations "the point of fastening" in lines 7 and 14, "said fasteners" in lines 9 and 15, and "said flexible connector loops" in line 13. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent D340,216 to Moores. Moores discloses a portable support apparatus for use inside a vehicle, comprising: an anchor unit; at least one flexible connector, the flexible connector fastened at one end to the anchor unit; and a grip unit, the grip unit fastened to the other end of the flexible connector.

Claims 1 and 8 (as it depends from claim 1) are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,655,376 to Darling. Darling discloses a portable support apparatus (1) for use inside a vehicle, comprising: an anchor unit (34); at least one flexible connector (22), the flexible connector fastened at one end to the anchor

unit; a grip unit (50), the grip unit fastened to the other end of the flexible connector; and wherein more than one grip unit is used.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darling.

Darling discloses the claimed invention except for the limitation of two flexible connector straps are used to attach the anchor unit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the strap in Darling to have been two pieces having one end joined together instead of a continuous strap for the purpose of providing an alternative, aesthetically, mechanically equivalent strap for use with the apparatus.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling in view of Moores. Darling discloses the claimed invention except for the limitation of flexible strap being wrapped around the diameter of the anchor and being rectangular in shape. Moores teaches that the strap is wrapped around the anchor unit and that the strap has a rectangular shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the strap in Darling to have been attached to the anchor unit and to have been rectangular in shape

as taught by Moores for the purpose of providing an alternative mechanically equivalent means for attaching the strap to the anchor unit and for providing an alternative aesthetically different appearance to the strap, which do not present any unexpected results.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moores. Moores further discloses that the anchor unit and the grip unit both have cylindrical shapes wherein the lengths are greater than the diameters and wherein the ends of the straps are looped around the units. Moores discloses the claimed invention except for the limitation of at least two flexible connector straps and wherein the straps are fastened back to itself. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the apparatus in Moores to have included at least two straps for the purpose of increasing the strength of the apparatus when supporting an object. It would have been obvious to one having ordinary skill in the art to have modified the connection of the straps and the units to have had the straps loop the units and fasten back to themselves for the purpose of providing an alternative and more secured means for attaching the straps to the units.

Allowable Subject Matter

Claims 5-7 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 466,670 to Fler

U.S. Patent 4,108,342 to Riva

U.S. Patent 4,121,825 to Hult

U.S. Patent 4,288,188 to Smith

U.S. Patent 4,537,436 to Pfortmiller

U.S. Patent 4,696,504 to Roberts, Jr.

U.S. Patent 5,163,889 to Kaaua

U.S. Patent 5,730,346 to Adams et al.

Fler discloses a melon carrier. Riva discloses a carrier attachment for automobiles.


Hult discloses a portable foot anchor. Smith discloses a tie down of flexible metal cable with a loop at one end. Pfrommiller and Roberts, Jr. both disclose a boot carrier. Kaaua discloses a compact, portable foot/hand hold device. Adams et al. disclose a strap assembly and bracket for a securing and storing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anita M. King
Primary Examiner
Art Unit 3632

September 19, 2004